

MEMORANDUM  
TO THE HONORABLE FREDERIC BLOCK  
UNITED STATES DISTRICT JUDGE

ORIGINAL

RE: RIORDAN, THOMAS  
Docket No. : 02-CR-1125  
Request For Early Termination

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Clem

Reference is made to the above-named individual who was sentenced by Your Honor on March 4, 2004, following a conviction for Theft of Embezzlement from Employee Benefit Plan in violation of 18 U.S.C. 664, a class D felony. The offender was sentenced to twelve(12) months and one (1) day custody, a three (3) year term of supervised release, and a \$100 special assessment fee. The following special conditions were also imposed: 1) the defendant shall make full financial disclosure, and 2) the defendant shall pay restitution in the amount of \$250,000.00. The offender is scheduled to terminate from supervised release on February 24, 2008.

The offender has been on supervision for fifteen (15) months and since commencement of same, he has fully complied with all general and special conditions of supervision as ordered by the Court. Specifically, he satisfied his restitution obligation per a Limited Release and Satisfaction of Debt signed by Keyspan Corporation Assistant General Counsel, Phillip R. Scott. He has remained arrest free, is employed, reports as directed, and submits timely, complete, and accurate monthly paperwork. Additionally, he has taken the responsibility of parenthood seriously, both emotionally and financially. While he and his wife are no longer together, he has been mature enough to foster a relationship that is beneficial to the well-being of the children. The purpose of this memorandum is to seek the Court's approval for early termination of supervision for the offender as requested by the U.S. Probation Department for the Southern District of New York. It is their opinion that continued supervision would offer very little in the way of rehabilitation of Riordan or protection of the community.

As the Court is aware, early termination is controlled by statute, case law, and policy matters. With regard to statute, felony probation and supervised release cases are subject to 18 U.S.C. 3564 (c) and 18 U.S.C. 3583 (e)(1) respectively; and the general provisions of 18 U.S.C. 3553 (a). Case law in this Circuit regarding early termination of supervision falls under U.S. v Lussier, 204 F. 3d 32, 36 (2d Cir. 1997), and U.S. v Sheckley, 129 F.3d. 114 (2d Cir. 1997). Finally, the policy factor which influences early termination results from recent directives from the Judicial Conference Criminal Law Committee and Administrative Office of the U.S. Courts. In this regard, the Criminal Law Committee has directed early termination of supervision as the recommended and favored policy for appropriate probation and supervised release offenders. It should be noted, however, that some but certainly not all of the underpinnings to this policy are budget driven and part of the overall federal judiciary's "cost containment" program.

Predicated on the entirety of this case, as well as each of the factors which control early termination of supervision, the Probation Department respectfully recommends that Your Honor grant our request for early termination of supervision of the offender for the reasons set forth above.

RESPECTFULLY SUBMITTED:

TONY GAROPPOLO  
CHIEF U.S. PROBATION OFFICER

Prepared by: *Michelle Staffa*  
Michelle Staffa  
U.S. Probation Officer

Approved by: *Robert Cardinal*  
Robert Cardinal  
Supervising U.S. Probation Officer

June 15, 2006  
Central Islip

re: RICHARD T. THOMAS DOCKET NO. 02-CR-1125

Terminate From Supervision: Frederic Block  
U.S. District Judge Date June 22, 2006

Other Directives  
of the Court:  
U.S. District Judge Date